



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Laser Technology, Inc.

File: B-253767

Date: October 19, 1993

John Tyson, II for the protester,
Robert J. Park, Esq., Sandia National Laboratories,
Department of Energy, for the agency.
M. Penny Ahearn, Esq., David A. Ashen, Esq., and John M.
Melody, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Award to higher-priced, higher-rated competitor is unobjectionable where awardee's higher combined technical/price score reasonably indicated that its quotation was most advantageous under the stated evaluation factors.

DECISION

Laser Technology, Inc. protests award of a contract to Recognition Technology, Inc., under request for quotations (RFQ) No. A6-0397, issued by Sandia Corporation, as the management and operations contractor for the Department of Energy's Sandia National Laboratories. Laser Technology challenges the technical evaluation of its quotation.

We deny the protest.

The RFQ was issued to obtain an optical inspection system, which will be used to detect flaws in a variety of nondestructive testing applications, ranging from materials tests in an optical laboratory to flaw analysis on transport aircraft in a hangar. Quotations were solicited for a firm, fixed-price contract on the basis of required and desired technical features. The RFQ stated that quotations would be evaluated using a combined technical/price point score; 180 points (70 percent) would be available for technical and 77 (30 percent) for price. Award was to be made to the firm whose quotation was most advantageous to the government considering technical and price factors.

Sandia received three quotations, including those from Laser Technology and Recognition Technology, which were scored as follows:

	Technical Points	Price Points	(Price)	Total
Recognition Technology	180	72	(\$124,500)	252
Laser Technology	168	77	(\$116,300)	245

Award was made to Recognition Technology on the basis of Sandia's determination that its quotation offered the most favorable technical/cost relationship.

Laser Technology generally argues that its quotation was technically equivalent to Recognition Technology's and that it therefore should have been awarded the contract on the basis of its low price.

The record does not support the protester's argument. Laser Technology received a lower score in large measure from evaluated weakness in the frequency modulation (20 available points) and traveling fringe capability (10 points) areas, which were set forth as desired features. In these areas, Laser Technology's proposal received average scores of 0 and 5 respectively (before normalization) due to its failure to offer frequency modulation and an ambiguity in its quotation as to whether it was offering traveling fringe capability.¹ In contrast, Recognition Technology quotation furnishing both of these desired features and therefore received the maximum available point scores. In addition, Laser Technology's proposal was evaluated as having a minor weakness in the laser properties area, where the firm offered only the minimum laser power required, 80 milliwatts. Laser Technology's proposal received an average score of 15 out of 20 available points in this area (before normalization), compared to Recognition Technology's score of 20 for an offer of a 150-milliwatt laser.

Laser Technology has not rebutted Sandia's basis for scoring quotations as it did, and there is nothing on the record that suggests Sandia's determination was incorrect or

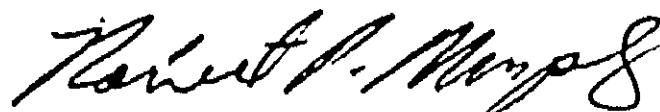
¹With respect to traveling fringe capability, Laser Technology indicated in its proposal "full compliance--see system description above"; the system description in the proposal, however, did not include traveling fringe capability. Consequently, Sandia concluded that it was uncertain whether Laser Technology had obligated itself to furnish this feature.

unreasonable. Accordingly, there is no basis for our questioning Sandia's conclusion that Recognition Technology's quote was technically superior.

The protester alleges that Sandia misled the firm into offering a low-powered laser by orally stating that the lowest required laser power should be quoted, and that its offer of the same led to the firm's lower technical score. However, the agency specifically denies that it ever advised the protester that it should propose based on the lowest required laser power and, in any case, Laser Technology could not rely upon oral advice in direct conflict with the terms of the solicitation, which specifically stated that more points would be given for more power. See Analysis, Inc., B-239730.3 et al., Dec. 4, 1990, 90-2 CPD ¶ 452.

In view of the greater importance of the technical factor in the evaluation, there is no basis to question Sandia's determination that the technical superiority of Recognition Technology's proposal was worth its \$8,200 higher price, and therefore most advantageous. See MAR, Inc., B-246889, Apr. 14, 1992, 92-1 CPD ¶ 367.

The protest is denied.



for James F. Hinchman
General Counsel